

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DROPLETS, INC.	§	
	§	
v.	§	Case No. 2:11-CV-401-JRG
	§	
OVERSTOCK.COM, INC., ET AL.	§	

**MINUTES FOR TRIAL DAY 2  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
January 14, 2015**

**OPEN: 8:15 a.m.**

**ADJOURN: 5:26 p.m.**

ATTORNEYS FOR PLAINTIFF:	Sam Baxter Ted Stevenson Josh Budwin James Quigley Jenna Albert
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ATTORNEYS FOR DEFENDANTS:	Richard Whiteley John Barr Gil Gillam Chris Shield Kelley Clark Tim Geiger
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LAW CLERKS:	Rudy Fink Craig Walter
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COURT REPORTER:	Shelly Holmes, CSR-TCRR
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COURTROOM DEPUTY:	Jan Lockhart
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TIME	MINUTES
8:15 a.m.	Court opened. Hearing outside the presence of the jury. Exhibits used prior day read into the record by counsel. Plaintiff used PX 1-4, PX 8 PX 458-460, 464.1- 464.10, 465.1-465.9, 648, 652, 654,657 and 658. No objections by defendants' counsel. Defendant used PX 98 and DTX 16. No objections by plaintiff's counsel.
8:25 a.m.	Cross examination of Dr. Martin by Mr. Barr. Opening remarks by the Court.
8:59 a.m.	Redirect examination of Dr. Martin by Mr. Budwin.
9:05 a.m.	Objection outside the scope by Mr. Barr. Response by Mr. Budwin. Objection overruled.

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TIME	MINUTES
9:08 a.m.	Parties passed the witness.
9:09 a.m.	Direct examination of David Berberian by Mr. Baxter.
9:33 a.m.	Cross examination of Mr. Berberian by Mr. Gillam.
9:42 a.m.	DTX 15 used.
9:48 a.m.	DTX 18 used.
9:53 a.m.	DTX 79 used.
10:00 a.m.	PX 161 used.
10:04 a.m.	DTX 95.001 used.
10:11 a.m.	PX 158.001 used
10:12 a.m.	Objection by Mr. Baxter – Bench conference.
10:13 a.m.	Objection overruled.
10:20 a.m.	Redirect examination of Mr. Berberian by Mr. Baxter.
10:23 a.m.	DTX 95 used.
10:25 a.m.	PX 161 used.
10:30 a.m.	Re-cross examination of Mr. Berberian by Mr. Gillam.
10:36 a.m.	Re-direct examination of Mr. Berberian by Mr. Baxter.
10:37 a.m.	Parties passed the witness.
10:38 a.m.	Jury excused.
10:54 a.m.	Jury returned to courtroom. Video deposition of Rongkai Zhao shown by Counsel for Plaintiff.
11:05 a.m.	Time for deposition given by Ms. Albert.
11:06 a.m.	Direct examination of Dr. Elliott Schwartz
11:12 a.m.	PX 665 used.
11:19 a.m.	PX 666 used.
11:26 a.m.	PX 664 used.
11:27 a.m.	Cross examination of Dr. Schwartz by Mr. Whiteley.
11:44 a.m.	PX 666 used.
11:50 a.m.	Mr. Stevenson objected to question. Court overruled.
11:53 a.m.	Mr. Stevenson conducted Redirect examination of Dr. Schwartz.
11:57 a.m.	Parties passed the witness.
11:58 a.m.	Lunch recess.
1:05 p.m.	Court reconvened.
1:07 p.m.	Jury returned to courtroom.
1:08 p.m.	Direct examination of Robert Mills by Mr. Stevenson.
1:29 p.m.	PTX 570 used.
1:53 p.m.	Cross examination of Mr. Mills by Mr. Whiteley.
2:12 p.m.	PX 570 used.

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TIME	MINUTES
2:16 p.m.	Redirect examination of Mr. Mills by Mr. Stevenson.
2:17 p.m.	Goyal deposition pages 69:22 – 70:1 used.
2:21 p.m.	Recross examination of Mr. Mills by Mr. Whiteley.
2:22 p.m.	Parties passed the witness.
2:23 p.m.	Plaintiff Rests. Jury excused. Court will handle Rule 50(a) motions at a later time.
2:36 p.m.	Court reconvened.
2:37 p.m.	Direct examination of Seth Moore by Mr. Barr.
2:46 p.m.	Cross examination of Mr. Moore by Mr. Baxter.
2:55 p.m.	Parties passed the witness.
2:56 p.m.	Direct examination of Amit Goyal by Mr. Barr.
3:13 p.m.	Cross examination of Mr. Goyal by Mr. Budwin.
3:22 p.m.	Parties passed the witness.
3:23 p.m.	Direct examination of Veera Sekhar by Mr. Barr.
3:44 p.m.	Cross examination of Mr. Sekhar by Mr. Budwin.
3:47 p.m.	PX 658 and PX 657 used.
3:51 p.m.	Parties passed the witness.
3:52 p.m.	Jury excused.
3:54 p.m.	Break.
4:17 p.m.	Court reconvened.
4:18 p.m.	Jury returned to the Courtroom.
4:19 p.m.	Video deposition of Mat Baskin shown.
	13' 48 4:42
4:38 p.m.	Video deposition of Greg Blonder shown.
4:45 p.m.	Concluded 7 minutes 28 seconds.
4:46 p.m.	Video deposition of Alexander Bulkin shown.
5:00 p.m.	14 minutes 20 sec
5:01 p.m.	Video deposition of Dr. Ingo Theuerkauf shown.
5:07 p.m.	Deposition concluded.
5:08 p.m.	Direct examination of Dr. Erik Wilde by Mr. Shield.
5:25 p.m.	Bench conference. Jury excused.
5:26 p.m.	Court adjourned.